

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 128

HOUSE BILL 2444

AN ACT

AMENDING SECTION 35-701, ARIZONA REVISED STATUTES; RELATING TO INDUSTRIAL
DEVELOPMENT FINANCING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 35-701, Arizona Revised Statutes, is amended to read:

35-701. Definitions

In this chapter, unless the context otherwise requires:

1. "Corporation" means any corporation organized as an authority as provided in this chapter.

2. "Designated area" means any area of this state which is either designated pursuant to section 36-1479 as a redevelopment area as defined in section 36-1471, or designated by regulation as a pocket of poverty or a neighborhood strategy area by the United States department of housing and urban development pursuant to title I of the housing and community development act of 1977 (P.L. 108-6; 42 United States Code sections 5301 through 5320), as amended, and the department of housing and urban development act (P.L. 108-6; 42 United States Code section 3535(d)), DESIGNATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AS AN EMPOWERMENT OR ENTERPRISE ZONE PURSUANT TO THE FEDERAL OMNIBUS BUDGET AND RECONCILIATION ACT OF 1993 (P.L. 108-6; 26 UNITED STATES CODE SECTION 1391(g)), OR AN AREA CERTIFIED AS AN ENTERPRISE ZONE PURSUANT TO SECTION 41-1524, SUBSECTION B.

3. "Governing body" means:

(a) The board or body in which the general legislative powers of the municipality or the county are vested.

(b) The Arizona board of regents with respect to a corporation formed with the permission of the Arizona board of regents.

4. "Income" means gross earnings from wages, salary, commissions, bonuses or tips from all jobs, net earnings from such person's or family's own nonfarm business, professional practice or partnership, and net earnings from such person's or family's own farm. Income includes income, other than earnings, that consists of amounts received from social security or railroad retirement, interest, dividends, veterans payments, pensions and other regular payments, public assistance or welfare payments, including aid for dependent children, old age assistance, general assistance and aid to the blind or totally disabled, but excluding separate payments for hospital or other medical care.

5. "Manufactured house" means a structure that is manufactured in a factory after June 15, 1976, that is delivered to a homesite in more than one section and that is placed on a permanent foundation. The dimensions of the completed house shall not be less than twenty feet by forty feet, the roof must be sloping, the siding and roofing must be the same as those found in site-built houses and the house must be eligible for thirty year real estate mortgage financing.

1 6. "Municipality" or "county" means the Arizona board of regents or
2 any incorporated city or town, including charter cities, or any county in
3 this state in which a corporation may be organized and in which it is
4 contemplated the corporation will function.

5 7. "Persons of low and moderate income" means, for the purposes of
6 financing owner-occupied single family dwelling units in areas which the
7 municipality has found, pursuant to section 36-1479, to be redevelopment
8 areas, as defined in section 36-1471, persons and families whose income does
9 not exceed two and one-half times the median family income of this state. In
10 all other areas it means persons and families whose income does not exceed
11 one and one-half times the median family income of this state.

12 8. "Project" means any land, any building or any other improvement and
13 all real and personal properties, including machinery and equipment whether
14 or not now in existence or under construction and whether located within or
15 without the municipality or county approving the formation of the
16 corporation, that are suitable for any of the following:

17 (a) With respect to a corporation formed with the permission of a
18 municipality or county other than the Arizona board of regents:

19 (i) Any enterprise for the manufacturing, processing or assembling of
20 any agricultural or manufactured products.

21 (ii) Any commercial enterprise for the storing, warehousing,
22 distributing or selling of products of agriculture, mining or industry, or
23 of processes related thereto, including research and development.

24 (iii) Any office building or buildings for use as corporate or company
25 headquarters or regional offices or the adaptive use for offices of any
26 building within this state that is on the national register of historic
27 places or rehabilitation of residential buildings located in registered
28 historic neighborhoods.

29 (iv) A health care institution as defined in section 36-401.

30 (v) Residential real property for dwelling units located within the
31 municipality or county approving the formation of the corporation and, in the
32 case of a county, whether or not also within a municipality that is within
33 the county.

34 (vi) Repairing or rehabilitating single family dwelling units or
35 constructing or repairing residential fences and walls.

36 (vii) Convention or trade show facilities.

37 (viii) Airports, docks, wharves, mass commuting facilities, parking
38 facilities or storage or training facilities directly related to any of the
39 facilities as provided in this item.

40 (ix) Sewage or solid waste disposal facilities or facilities for the
41 furnishing of electric energy, gas or water.

42 (x) Industrial park facilities.

43 (xi) Air or water pollution control facilities.

44 (xii) Any educational institution that is operated by a nonprofit
45 educational organization that is exempt from taxation under section 501(c)(3)

1 of the United States internal revenue code and that is not otherwise funded
2 by state monies, any educational institution or organization that is
3 established under title 15, chapter 1, article 8 and that is owned by a
4 nonprofit organization, any private nonsectarian school or any private
5 nonsectarian organization established for the purpose of funding a joint
6 technological education school district.

7 (xiii) Research and development facilities.

8 (xiv) Commercial enterprises, including facilities for office,
9 recreational, hotel, motel and service uses if the facilities authorized by
10 this item are to be located in a designated area.

11 (xv) A child welfare agency, as defined in section 8-501, owned and
12 operated by a nonprofit organization.

13 (xvi) A transportation facility constructed or operated pursuant to
14 title 28, chapter 22, article 1 or 2.

15 (xvii) A museum operated by a nonprofit organization.

16 (xviii) Facilities owned or operated by a nonprofit organization
17 described in section 501(c) of the United States internal revenue code of
18 1986 that is primarily engaged in delivering community services on that
19 property consisting of fitness programs, camping programs, health and
20 recreation services, youth programs, child care, senior citizen programs,
21 individual and family counseling, employment and training programs, services
22 for individuals with disabilities, meals, feeding programs or disaster
23 relief.

24 (xix) New or existing correctional facilities that contract
25 exclusively with the Arizona STATE department of corrections or the Arizona
26 department of juvenile corrections for the housing of inmates or persons
27 adjudicated delinquent COMMITTED YOUTHS.

28 (b) With respect to a corporation formed with the permission of the
29 Arizona board of regents, any facility consisting of classrooms, lecture
30 halls or conference centers or any facility for research and development or
31 for manufacturing, processing, assembling, marketing, storing and
32 transferring items developed through or connected with research and
33 development or in which the results of such research and development are
34 utilized, but only if the facility is located in an area designated as a
35 research park by the Arizona board of regents.

36 9. "Property" means any land, improvements thereon, buildings and any
37 improvements thereto, machinery and equipment of any and all kinds necessary
38 to a project and any other personal properties deemed necessary in connection
39 with a project.

40 10. "Research park" means an area of land that has been designated by
41 the Arizona board of regents as a research park for a university and that,
42 at the date of designation, is owned by this state or by the Arizona board
43 of regents.

44 11. "Single family dwelling unit" includes any new, used or
45 manufactured house that meets the insuring requirements of the federal

1 housing administration, the veterans administration or any other insuring
2 entity of the United States government or any private mortgage insurance or
3 surety company that is approved by the federal home loan mortgage corporation
4 or the federal national mortgage association.

5 Sec. 2. Emergency

6 This act is an emergency measure that is necessary to preserve the
7 public peace, health or safety and is operative immediately as provided by
8 law.

APPROVED BY THE GOVERNOR APRIL 30, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2003.

Passed the House March 12, 2003

Passed the Senate April 15, 2003

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

0 Nays, 3 Not Voting

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Klu Bennett *with emergency*
President of the Senate

Norman L. Moore
Chief Clerk of the House

Norma Chastain
Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2444

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 24, 2003,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting
with emergency

Jake Flake
Speaker of the House
Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 2003

at 11:08 o'clock A M.

Sandra Ramirez
Secretary to the Governor

Approved this 30 day of

April, 2003,

at 4:30 o'clock P. M.

J. N. ...
Governor of Arizona

H.B. 2444

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 2003,

at 3:16 o'clock P. M.

James L. Brewer
Secretary of State